

REMARKS

At the time of the Office Action dated February 8, 2007, claims 1-18 were pending and rejected in this application. Claims 12-18 have been cancelled. Thus, the Examiner's rejection of claims 13 and 14 under the second paragraph of 35 U.S.C. § 112 is moot.

CLAIMS 9-14 ARE REJECTED UNDER 35 U.S.C. § 101

On page 2 of the Office Action, the Examiner asserted that the claimed invention, as recited in claims 9-14, is directed to non-statutory subject matter. This rejection is respectfully traversed.

On page 2 of the Office Action, the Examiner asserted that the claimed invention, as recited in claims 9-11, is directed to non-statutory subject matter. Specifically, the Examiner asserted "the computer product may be interpreted as signals." Applicant notes that the Examiner's assertion is factual incorrect. The claimed invention, as recited in claim 9 is directed to "[a] computer product for storing a computer software program" (emphasis added). In this regard, Applicant is unclear as to how a product for storing a computer software program could be considered a signal. A signal is used for the transmission of information, not the storage. Thus, the Examiner's assertion that the computer product may be interpreted as signals is factually incorrect.

The Examiner is also directed to M.P.E.P. § 2106.01, which states:

When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.

Claims 12-14 have been cancelled, and thus, the Examiner's rejection of claims 12-14 is moot.

Therefore, for the reasons stated above, Applicant respectfully submits that the imposed rejection of claims 9-11 under 35 U.S.C. § 101 has been overcome and, hence, Applicant respectfully solicits withdrawal thereof.

CLAIMS 1-18 ARE REJECTED UNDER 35 U.S.C. § 102 FOR ANTICIPATION BASED UPON GATZ ET AL., U.S. PATENT PUBLICATION NO. 2002/0049806

On page 3 of the Office Action, the Examiner asserted that Gatz discloses the invention corresponding to that claimed. This rejection is respectfully traversed.

The factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure of each element of a claimed invention in a single reference.¹ As part of this analysis, the Examiner must (a) identify the elements of the claims, (b) determine the meaning of the elements in light of the specification and prosecution history, and (c) identify corresponding elements disclosed in the allegedly anticipating reference.² This burden has not been met. Moreover, the Examiner has failed to clearly designate the teachings in Gatz being relied upon

¹ In re Rijekaert, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984).

² Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick Co., *supra*.

the statement of the rejection. In this regard, the Examiner's rejection under 35 U.S.C. § 102 also fails to comply with 37 C.F.R. § 1.104(c), which reads:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

Despite these requirements, the Examiner's statement of the rejection simply consists of the Examiner repeating, almost word-for-word, each of the recited claims and asserting that the entire claim is disclosed by certain specified passages within Gatz. The manner in which the Examiner conveyed the statement of the rejection, however, has not "designated as nearly as practicable" the particular parts in Gatz being relied upon in the rejection.

It is practicable for the Examiner, for each of the claimed elements, to specifically identify each feature within Gatz being relied upon to teach each of the particular claimed elements. For example, the Examiner can "specifically identify" a feature, corresponding to the claimed element, within the applied prior art by identifying a reference numeral associated with the feature. In addition to or alternatively, the Examiner may cite to a brief passage (i.e., 1 or 2 lines or even a portion of a line) within the applied prior art that identifies the feature that corresponds to the claimed element. However, merely citing a long passage or an entire paragraph to disclose a single (or multiple) claimed elements does not designate "as nearly as practicable," the particular features within Gatz being relied upon by the Examiner in the rejection.

Claims 1, 5, and 9

For example, claim 1 recites, in part, the following limitations:

storing at a host computer profile information relating to individual users of the host computer, the profile information for a first user and a second user identifying host applications that the first user and the second user, respectively, are permitted to execute.

To allegedly teach these limitations, the Examiner cited lines 1-4 of paragraph [0014]; lines 14-17 of paragraph [0049]; paragraph [0071]; paragraph [0073]; lines 8-12 of paragraph [0074]; and paragraph [0075] without any explanation.

Claim 1 also recites the following limitations:

in response to a request from the first user identifying a list of one or more applications that the first user is permitted to execute, storing the list in the profile of the second user, whereby the second user is permitted to execute the applications in the list under control of the first user.

On page 4 of the Office Action, the Examiner cited the same passages cited above and further asserted the following:

a parent has control, through an account based access control system, of access to an information network and may allow no, limited, or full access by a child to applications such as email, chatrooms, message boards, and online shopping; the parent identifies a list of applications that the child is allowed to access, and the parent is allowed to access due to full access rights, under the control of the parent).

This assertion by the Examiner is essentially comparable to the teachings found in paragraph [0074] of Gatz, which is reproduced below:

Therefore, according to the present invention, any single or multiple parent or family account holder (i.e., a parent in a family account) can perform actions on a child account in that same family, such as editing the child's account characteristics (e.g., account information), such as viewing and/or editing the child's public profiles, changing the child's password, editing the child's listing in directories maintained as part of content databases 222 of FIG. 2 (for example, Yahoo!'s

People Search databases), or sign in as the child to view and/or edit the child's messaging buddy list, chat settings (such as language filter settings), email block lists and other personalized features.

Notwithstanding the Examiner's comments and the passages cited by the Examiner, the Examiner has failed to establish that Gatz identically discloses all the limitations recited in claim 1 within the meaning of 35 U.S.C. § 102. The teachings within Gatz that allegedly disclose the following claimed features have not been specifically identified by the Examiner: (i) a request identifying a list of one or more applications that a first user is permitted to execute; (ii) a first user; (iii) a second user; (iv) storing the list in the profile of the second user; and (iv) permitting the second user to execute the application in the list under control of the first user. Independent claims 5 and 9 include similar limitations to claim 1 and are also not identically disclosed by Gatz.

Applicant does note, however, that the Examiner has asserted on page 5 of the Office Action that the claimed second user corresponds to the child of Gatz and the claimed first user corresponds to the parent of Gatz. On this basis, the Examiner is presumably asserting that the parent controls the claimed "list of one or more applications that the [parent] is permitted to execute." However, the Examiner has not established a relationship (i.e., the list) between the applications the child (i.e., allegedly corresponding to the first user) is permitted to execute and the applications the parent is permitted to execute. Instead, the account information of the child appears to be completely separate from the account information of the parent with regard to what applications the child and parent are respectively permitted to execute.

Therefore, for the reasons stated above, Applicant respectfully submits that the imposed rejection of claims 1-11 under 35 U.S.C. § 102 for anticipation based upon Gatz is not viable and, hence, solicit withdrawal thereof.

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully requests reconsideration and prompt allowance of the pending claims.

Although Applicant believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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